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10 Attorneys for Plaintiff
11 NEW REFORMATION
12 PUBLICATIONS

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15 UNITED STATES DISTRICT COURT
16 CENTRAL DISTRICT OF CALIFORNIA
17 SOUTHERN DIVISION

18
19 NEW REFORMATION
20 PUBLICATIONS ,

21 Plaintiff,

22 vs.

23 PUBLISHING HOUSE OF THE
24 EVANGELICAL LUTHERAN
25 CHURCH IN AMERICA ,

26 Defendants.

27 Case No.

28 **COMPLAINT**

JURY TRIAL DEMANDED

29
30 Plaintiff New Reformation Publications (“Plaintiff”), by and through its
31 attorneys, Troutman Pepper Hamilton Sanders, LLP, for its Complaint against
32 defendant Publishing House of the Evangelical Lutheran Church in America
33 (“Defendant”), alleges, on knowledge as to its own actions, and otherwise upon
34 information and belief, as follows:

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1 PRELIMINARY STATEMENT

2 1. This is an action for infringement of Plaintiff's federally-registered
3 trademark "1517" under Section 32(1) of the Lanham Act, 15 U.S.C. § 1114(1), for
4 unfair competition and false designation of origin under Section 43(a) of the Lanham
5 Act, 15 U.S.C. § 1125(a), and for substantial and related claims of California under
6 the statutory and common laws of the State of California, all arising from the
7 Defendant's unauthorized use of the marks 1517 MEDIA and 1517 in connection
8 with the manufacture, distribution, marketing, advertising, promotion, offering for
9 sale, and/or sale of Defendant's books, publications, media, and retail services for
10 the same.

11 2. Plaintiff seeks injunctive and monetary relief.

12 JURISDICTION

13 3. This court has jurisdiction over this action pursuant to 15 U.S.C. § 1121,
14 28 U.S.C. §§ 1331, 1332(a), and 1338(a) and (b), and pursuant to the principles of
15 supplemental jurisdiction under 28 U.S.C. § 1367.

16 VENUE

17 4. Venue is proper in this district under 28 U.S.C. § 1391(b)(2), in that a
18 substantial part of the events or omissions giving rise to the claim occurred in this
19 district and a substantial part of property that is the subject of the action is situated
20 in this district.

21 PARTIES

22 5. Plaintiff New Reformation Publications is a nonprofit corporation that
23 is incorporated in California and has its principal place of business in San Clemente,
24 California.

25 6. Upon information and belief, Defendant Publishing House of the
26 Evangelical Lutheran Church in America is a nonprofit corporation that is
27 incorporated in Minnesota and has its principal place of business in Minneapolis,

1 Minnesota. Upon information and belief, Defendant operates under the assumed
2 name “1517 Media.”

3 **FACTS**

4 **A. Plaintiff and Its 1517 Mark**

5 7. Plaintiff is a non-profit organization that was founded by a group of
6 scholars and theologians who saw a need for resources that clearly communicated
7 the core truths of the Christian faith, particularly the doctrines of grace and
8 justification by faith alone.

9 8. Plaintiff is dedicated to providing theological resources that proclaim
10 the Christian message of grace, freedom, and love and offers publications and media
11 ranging from academic theological works to more accessible materials for the general
12 public. Since its inception, Plaintiff has grown and expanded its reach, providing
13 resources for individuals, churches, and academic institutions around the world.

14 9. At least as early as August 2013, Plaintiff began offering its goods and
15 services in connection with its flagship mark: 1517®. This mark is bound up in the
16 connotations of the 1517 Mark as they are applied to Plaintiff’s goods and services
17 because the mark is a historical nod to one of the most important years of the
18 Christian church. In that year, Martin Luther, a German monk, theologian, and
19 professor, is reported to have nailed to the door of the Castle Church in Wittenberg
20 his Ninety-Five Theses, a document challenging the teachings and practices of the
21 Roman Catholic Church. Luther’s challenge sparked a theological revolution—the
22 Protestant Reformation—that led to the development and proliferation of Protestant
23 churches, including the Lutheran Church.

24 10. Plaintiff’s 1517®-branded publications, media, and other resources are
25 aligned with the theological tenets of Luther and the Protestant Reformation. The
26 organization’s publications often explore and expand upon Lutheran theology,
27 making it a valuable resource for those individuals, churches, and other institutions

1 interested in the Lutheran tradition. Indeed, many of Plaintiff's supporters are
 2 Lutheran churches and congregants.

3 11. Plaintiff is the owner of valid and subsisting United States "1517"
 4 Registration Nos. 5016393, 5198790, and 5299903 on the Principal Register in the
 5 United States Patent and Trademark Office (hereinafter "1517 Mark") for the goods
 6 and services shown in the chart below ("Plaintiff's Goods and Services"):

TM/Key Information	Goods/Services
<u>1517. (Stylized)</u>  RN: 5016393 SN: 86806008 Filed: Nov. 1, 2015 Registered: Aug. 9, 2016	Int'l Class: 35 Retail store services in the field of gifts and merchandise, namely, novelty items, souvenirs, mugs, key chains, jewelry, pins, pens, t-shirts, caps, hats, sweatshirts, tank tops, neck ties, luggage tags, cell phone case covers, postcards, tote bags, stationery, books, publications, CD's and DVD's
<u>1517</u> <u>RN: 5299903</u> <u>SN: 87332948</u> Filed: Feb. 12, 2017 Registered: Oct. 3, 2017	Int'l Class: 09 downloadable electronic publications in the nature of books in the fields of worship materials, religious topics, and music; and downloadable videos featuring religious topics via a video-on-demand service Int'l Class: 16 Printed religious publications, namely, books featuring religious topics Int'l Class: 38 Streaming of audio and visual material via a global computer network; video-on-demand transmissions Int'l Class: 41 Providing online publications in the nature of newsletters in the field of faith, spirituality and religious topics; providing non-downloadable videos featuring religious topics via a video-on-demand service Int'l Class: 45 Providing information in the fields of religious topics, faith and spirituality
<u>1517</u> <u>RN: 5198790</u> <u>SN: 87159028</u> Filed: Sept. 1, 2016 Registered: Sept. 21, 2023	Int'l Class: 35 Retail store services in the field of gifts and merchandise, namely, novelty items, souvenirs, mugs, pins, t-shirts, caps, hats, sweatshirts, tote bags, stationery, books, publications

1 Attached as *Exhibit 1* are true and correct copies of the registration certificates for
2 Plaintiff's United States "1517" Registration No. 5016393, 5198790, and 5299903.

3 12. Plaintiff has used the 1517 Mark in commerce throughout the United
4 States continuously since at least as early as 2013 in connection with the manufacture,
5 distribution, provision, offering for sale, sale, marketing, advertising, and promotion
6 of Plaintiff's Goods and Services. Attached hereto as Exhibit 2 are copies of
7 representative samples of materials showing Plaintiff's use of the 1517 Mark in
8 connection with some of these goods and services.

9 13. As a result of its widespread and continuous use of the 1517 Mark to
10 identify Plaintiff's Goods and Services and Plaintiff as their source, Plaintiff owns
11 valid and subsisting federal statutory and common law rights to the 1517 Mark.

12 14. Plaintiff's 1517 Mark is distinctive to both the consuming public and
13 Plaintiff's trade.

14 15. Plaintiff has expended substantial time, money, and resources marketing,
15 advertising, and promoting Plaintiff's Goods and Services sold under the 1517 Mark.

16 16. Plaintiff, through its own retail services and its authorized distributors,
17 distributes, provides, and sells Plaintiff's Goods and Services under the 1517 Mark
18 in online and brick-and-mortar retail stores, as well as through trade shows,
19 conferences, and meetings.

20 17. Plaintiff's goods and services under the 1517 Mark receive regular
21 reviews and testimonials from non-related publications, readers, attendees and others
22 in various media. For example, Plaintiff's books published under the 1517 Publishing
23 name have received hundreds of readers' reviews on Amazon.com. 1517
24 Publishing's book *Reclaiming the Reformation: Christ for You in Community* was
25 heralded as a "warm and robust vision of how the principles of the Reformation can
26 help build thriving churches and thick community around Christ's word and gifts" in

1 a review posted on ModernReformation.org.¹ And the following testimonial was
 2 provided by an attendee at one of Plaintiff's conferences:

3 "Thanks for putting on a great conference.
 4 Two fellow Presbyterian pastors told me it was
 5 the best conference they'd ever attended. May
 6 God continue to richly bless the ministry
 7 labors of 1517!"



8
 9 Scott D.

10 18. As a result of Plaintiff's expenditures and efforts, the 1517 Mark has
 11 come to signify the high quality of the goods and services designated by the 1517
 12 Mark, and acquired incalculable distinction, reputation, and goodwill belonging
 13 exclusively to Plaintiff.

14 **B. Defendant's Unlawful Activities**

15 19. Upon information and belief, Defendant is one of the largest Christian
 16 denominations in the United States with over three million baptized members and
 17 over eight thousand congregations. It was formed in 1988 by the merger of three
 18 Lutheran church bodies: The American Lutheran Church, the Association of
 19 Evangelical Lutheran Churches, and the Lutheran Church in America.

20 20. Theologically, Defendant adheres to the Lutheran Confessions, a series
 21 of faith statements that interpret the Bible from a Lutheran perspective. Defendant is
 22 also a member of the Lutheran World Federation, the National Council of Churches,
 23 and the World Council of Churches, and it is also in full communion with several
 24 other Christian denominations, including the Episcopal Church, the Moravian
 25 Church, the Presbyterian Church (USA), the Reformed Church in America, the
 26 United Church of Christ, and the United Methodist Church.

27 27 ¹ <https://www.modernreformation.org/resources/book-reviews/-reclaiming-the-reformation-christ-for-you-in-community-by-magnus-persson-translated-by-bror-erickson> (accessed Jan. 18, 2024).

21. Defendant maintains its own publishing and media ministry—known as 1517 Media. Defendant states that “1517 Media has been committed to helping Christian communities and individuals encounter a loving, gracious God and grow in faith, understanding, and response. We create resources for Christian worship and faith formation, for academic study and professional development, and for individual edification and spiritual growth. We have always embraced the media of the day to meet people where they are, in their lives and in their communities.”²

22. Without Plaintiff's authorization, and upon information and belief, beginning after Plaintiff acquired protectable exclusive rights in its 1517 Mark, Defendant adopted and began using the mark 1517 MEDIA (hereinafter, the "Infringing Mark") in US commerce in connection with its publishing and media ministry.

23. The Infringing Mark adopted and used by Defendant is confusingly similar and nearly identical to Plaintiff's 1517 Mark. Indeed, in Defendant's display of the Infringing Mark, the "1517" element is often emphasized in a different, bold color—for example:

1517 Media

24. In Defendant's social media channels, it drops the word "Media" entirely and displays "1517" alone, as shown below in a clip from Defendant's Facebook profile:



² <https://1517.media/> (accessed Jan. 18, 2024)

1 25. A side-by-side comparison of the parties' Facebook page logos
 2 demonstrates the similarities not only in the respective marks but in presentation to
 3 the consuming public:

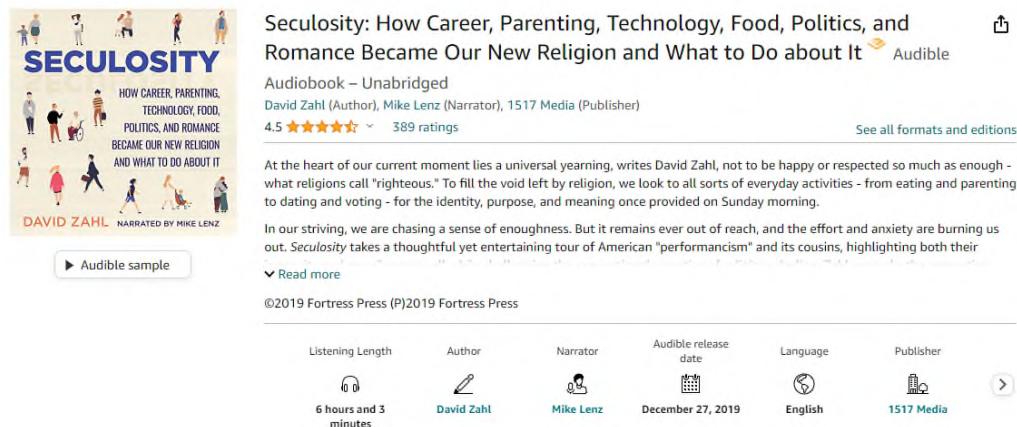
<i>Plaintiff's Page</i>	<i>Defendant's Page</i>
	

9 26. Upon information and belief, Defendant has been engaged in the
 10 manufacture, distribution, provision, advertising, promotion, offering for sale, and
 11 sale of books, publications, and other resources using the Infringing Mark throughout
 12 the United States, including, without limitation, in this District.

13 27. Upon information and belief, Defendant has provided and made sales of
 14 products and services under and in connection with the Infringing Mark throughout
 15 California and in this District. Defendant continues to offer products and services
 16 under the Infringing Mark for sale to residents, churches, and institutions located in
 17 California, including those residing and located within this District.

18 28. Upon information and belief, the products Defendant has provided,
 19 marketed, advertised, promoted, offered for sale, and sold under the Infringing Mark
 20 include theological publications and resources immediately competitive with
 21 Plaintiff's own publications and resources. Because Defendant is publishing a wide
 22 range of materials under the 1517 and 1517 MEDIA marks in connection with
 23 products that reflect the beliefs and practices of the Evangelical Lutheran Church of
 24 America, then both Plaintiff and Defendant are using essentially identical marks for
 25 products rooted in a common theological heritage of Lutheranism and the principles
 26 of the Protestant Reformation. These similarities in theme and purpose create clear
 27 overlaps in the parties' customers and potential customers.

1 29. Upon information and belief, Defendant has marketed, advertised,
 2 promoted, offered for sale, and sold its products under the Infringing Mark through
 3 online and brick-and-mortar retailers. For example, Defendant's products—like
 4 those of Plaintiff—are offered through Amazon.com, which lists the titles' publisher
 5 as "1517 Media" on the product listing, as shown in the example below from online
 6 retailer Amazon.com:



14 30. Defendant is and has been aware of Plaintiff's rights in its 1517 Mark.
 15 Defendant previously attempted to register the mark 1517 MEDIA at the United
 16 States Patent and Trademark Office, but the trademark examiner rejected
 17 Defendant's filing by citing Plaintiff's prior rights in the 1517 Mark.

18 31. Further, Plaintiff's counsel previously sent a letter notifying Defendant
 19 of Plaintiff's rights in its 1517 Mark and objecting to Defendant's use of the
 20 Infringing Mark. But Defendant refused to comply with Plaintiff's demands.

21 32. Defendant's infringing acts as alleged herein have caused and are likely
 22 to cause confusion, mistake, and deception among the relevant consuming public as
 23 to the source or origin of the Defendant's products and have and are likely to deceive
 24 the relevant consuming public into believing, mistakenly, that Defendant's products
 25 originate from, are associated or affiliated with, or otherwise authorized by Plaintiff.

26 33. Defendant's infringing acts as alleged herein have resulted in actual
 27 confusion not only with customers but within the industry. A retail distributor has

1 mistakenly referred to Plaintiff under Defendant’s Infringing Mark. A potential
2 author has mistakenly submitted a book proposal to Plaintiff believing that they were
3 submitting to Defendant. One of Defendant’s own authors mistook Plaintiff to be
4 Defendant and asked about the author’s book sales numbers. Another publisher has
5 contacted Plaintiff to seek the translation rights of Defendant’s publication. The
6 confusion continues in the marketplace, and the parties’ respective marks and uses
7 overlap so that even the most sophisticated and knowledgeable parties are confused.

8 34. Upon information and belief, Defendant's acts are willful with the
9 deliberate intent to trade on the goodwill of Plaintiff's 1517 Mark, cause confusion
10 and deception in the marketplace, and divert potential sales of Plaintiff's Goods and
11 Services to the Defendant.

12 35. Defendant's acts are causing and, unless restrained, will continue to
13 cause damage and immediate irreparable harm to Plaintiff and to its valuable
14 reputation and goodwill with the consuming public for which Plaintiff has no
15 adequate remedy at law.

COUNT ONE

(Federal Trademark Infringement)

18 36. Plaintiff repeats and realleges paragraphs 1 through 35 hereof, as if fully
19 set forth herein.

20 37. Defendant's unauthorized use in commerce of the Infringing Mark as
21 alleged herein is likely to deceive consumers as to the origin, source, sponsorship, or
22 affiliation of Defendant's goods and services, and is likely to cause consumers to
23 believe, contrary to fact, that Defendant's goods and services are sold, authorized,
24 endorsed, or sponsored by Plaintiff, or that Defendant is in some way affiliated with
25 or sponsored by Plaintiff. Defendant's conduct therefore constitutes "1517"
26 infringement in violation of Section 32(1) of the Lanham Act, 15 U.S.C. § 1114(1).

38. Upon information and belief, Defendant has committed the foregoing acts of infringement with full knowledge of Plaintiff's prior rights in the 1517 Mark and with the willful intent to cause confusion and trade on Plaintiff's goodwill.

39. Defendant's conduct is causing immediate and irreparable harm and injury to Plaintiff, and to its goodwill and reputation, and will continue to both damage Plaintiff and confuse the public unless enjoined by this court. Plaintiff has no adequate remedy at law.

40. Plaintiff is entitled to, among other relief, injunctive relief and an award of actual damages, Defendant's profits, enhanced damages and profits, reasonable attorneys' fees, and costs of the action under Sections 34 and 35 of the Lanham Act, 15 U.S.C. §§ 1116, 1117, together with prejudgment and post-judgment interest.

COUNT TWO

(Federal Unfair Competition)

41. Plaintiff repeats and realleges paragraphs 1 through 40 hereof, as if fully set forth herein.

42. Defendant's unauthorized use in commerce of the Infringing Mark as alleged herein is likely to deceive consumers as to the origin, source, sponsorship, or affiliation of Defendant's goods and services, and is likely to cause consumers to believe, contrary to fact, that Defendant's goods and services are sold, authorized, endorsed, or sponsored by Plaintiff, or that Defendant is in some way affiliated with or sponsored by Plaintiff.

43. Defendant's unauthorized use in commerce of the Infringing Mark as alleged herein constitutes use of a false designation of origin and misleading description and representation of fact.

44. Upon information and belief, Defendant's conduct as alleged herein is willful and is intended to and is likely to cause confusion, mistake, or deception as to the affiliation, connection, or association of Defendant with Plaintiff.

1 45. Defendant's conduct as alleged herein constitutes unfair competition in
 2 violation of Section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a).

3 46. Defendant's conduct as alleged herein is causing immediate and
 4 irreparable harm and injury to Plaintiff, and to its goodwill and reputation, and will
 5 continue to both damage Plaintiff and confuse the public unless enjoined by this court.
 6 Plaintiff has no adequate remedy at law.

7 47. Plaintiff is entitled to, among other relief, injunctive relief and an award
 8 of actual damages, Defendant's profits, enhanced damages and profits, reasonable
 9 attorneys' fees, and costs of the action under Sections 34 and 35 of the Lanham Act,
 10 15 U.S.C. §§ 1116, 1117, together with prejudgment and post-judgment interest.

11

COUNT THREE

(Federal Passing Off)

14 48. Plaintiff repeats and realleges paragraphs 1 through 47 hereof, as if fully
 15 set forth herein.

16 49. Defendant's use of 1517 and 1517 MEDIA in connection with its
 17 infringing goods and services is essentially identical to Plaintiff's use of its 1517
 18 Mark. Because the close nature of the mark and their uses, the marks are likely to
 19 engender the same connotation and commercial impression from customers in
 20 connection with the parties' respective goods and services.

21 50. These facts rise to the likelihood of a mistaken belief that the parties'
 22 respective goods and services have the same source, origin, or affiliation, when, in
 23 fact, they do not. This likelihood of confusion is even greater because the parties sell
 24 their products through the same and similar online channels.

25 51. The consuming public is likely to be confused and deceived, and to
 26 erroneously assume that Defendant's products and services are produced by Plaintiff
 27 or with Plaintiff's approval, that Defendant's products and services are part of
 28 Plaintiff's 1517 Mark family of offerings, or that Defendants are in some way

1 connected with, sponsored by, or otherwise affiliated with Plaintiff, causing
2 irreparable damage to Plaintiff.

3 52. Likewise, some consumers may be misled by Defendant's marketing
4 and advertising efforts to believe that Plaintiff's own use of its 1517 Mark are an
5 authorized or unauthorized use of Defendant's Infringing Mark.

6 53. Defendants are not affiliated with, connected with, endorsed by, or
7 sponsored by Plaintiff, nor has Plaintiff approved or authorized any of the goods or
8 services offered or sold by Defendants under the Infringing Mark or any other 1517
9 Mark variant.

10 54. Plaintiff has no control over the goods and services offered by
11 Defendant. Any neglect or failure in Defendant's goods and services or the quality
12 thereof will reflect adversely on Plaintiff and its 1517 Mark and limit Plaintiff's
13 efforts to protect and build its reputation.

14 55. Defendant's unauthorized use of the Infringing Mark in interstate
15 commerce, or commerce substantially affecting interstate commerce, constitutes
16 infringement of Plaintiff's 1517 mark and are likely to cause confusion, mistake, and
17 to deceive the consuming public.

18 56. Upon information and belief, Defendant has acted with the unlawful
19 purposes of improperly taking advantage of the valuable goodwill belonging to
20 Plaintiff and causing the goods of persons not authorized by, employed by, or
21 associated in any way with Plaintiff to be falsely represented as if they were rendered,
22 authorized by, sponsored by, endorsed by, or otherwise connected with Plaintiff and
23 its 1517 Mark.

24 57. Defendant's conduct, alleged in this Complaint, constitutes a violation
25 of 15 U.S.C. § 1125(a).

26 58. If Defendant is allowed to continue marketing and selling its goods and
27 services under the Infringing Mark or any other variant of the 1517 Mark, Plaintiff
28 will be damaged as alleged in this Complaint and the Defendant will profit and

1 continue to profit thereby. Unless the Court permanently enjoins Defendant's
 2 infringing conduct, Plaintiff's business, products, goodwill, and reputation will suffer
 3 irreparable injury of an insidious and continuing sort that cannot be adequately
 4 calculated and compensated in monetary damages.

5 59. Defendant has acted willfully and with an intent to use and misuse the
 6 goodwill Plaintiff has developed in its 1517 Mark. The intentional nature of
 7 Defendant's acts makes this an exceptional case under 15 U.S.C. § 1117(a).

8 60. Plaintiff is entitled to, among other relief, injunctive relief and an award
 9 of actual damages, Defendant's profits, enhanced damages and profits, reasonable
 10 attorneys' fees, and costs of the action under Sections 34 and 35 of the Lanham Act,
 11 15 U.S.C. §§ 1116, 1117, together with prejudgment and post-judgment interest.

12

COUNT FOUR

13

(Unfair Competition—Common Law and 14 California Business & Professions Code §§ 17200 et seq.)

15 61. Plaintiff repeats and realleges paragraphs 1 through 60 hereof, as if fully
 16 set forth herein.

17 62. Defendant has engaged in unfair competition against Plaintiff for the
 18 reasons of the conduct alleged in this Complaint.

19 63. The unlawful and unfair conduct is injuring the goodwill of Plaintiff and
 20 its 1517 Mark.

21 64. Defendant is liable for unfair competition.

22 65. By and through this conduct, Plaintiff has directly suffered injuries, and
 23 Defendant has been unjustly enriched.

24 66. Plaintiff is entitled to restitution, the recovery of damages, and the
 25 recovery of the profits earned by Defendant by virtue of its conduct.

26 67. As a result of Defendant's unfair competition, Plaintiff is suffering
 27 irreparable injury, and Defendant's conduct should therefore be enjoined.

68. Plaintiff is entitled to reasonable attorneys' fees from Defendant.

69. On information and belief, the aforementioned conduct of Defendant is willful, and plaintiff is therefore entitled to punitive damages.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff requests judgment against Defendant as follows:

1. That Defendant has violated Section 32 of the Lanham Act (15 U.S.C. § 1114) and Section 43(a) of the Lanham Act (15 U.S.C. § 1125(a)).
 2. That Defendant has unfairly competed with Plaintiff in violation of the California Business & Professions Code §§ 17200 et seq.
 3. That Defendant has unfairly competed with Plaintiff in violation of California common law.
 4. Granting an injunction permanently enjoining the Defendant, its employees, agents, officers, directors, attorneys, successors, affiliates, subsidiaries, and assigns, and all of those in active concert and participation with any of the foregoing persons and entities who receive actual notice of the Court's order by personal service or otherwise from:
 - a. manufacturing, distributing, providing, selling, marketing, advertising, promoting, or authorizing any third party to manufacture, distribute, provide, sell, market, advertise, or promote any goods or services bearing the mark 1517 MEDIA or any other mark that is a counterfeit, copy, simulation, confusingly similar variation, or colorable imitation of Plaintiff's 1517 Mark;
 - b. engaging in any activity that infringes Plaintiff's rights in its 1517 Mark;
 - c. engaging in any activity constituting unfair competition with Plaintiff;
 - d. making or displaying any statement, representation, or depiction that is likely to lead the public or the trade to believe that (i) Defendant's goods and

1 services are in any manner approved, endorsed, licensed, sponsored,
2 authorized, or franchised by, or associated, affiliated, or otherwise connected
3 with Plaintiff, or (ii) Plaintiff's goods and services are in any manner
4 approved, endorsed, licensed, sponsored, authorized, or franchised by, or
5 associated, affiliated, or otherwise connected with Defendant;

6 e. using or authorizing any third party to use in connection with any
7 business, goods, or services any false description, false representation, or
8 false designation of origin, or any marks, names, words, symbols, devices, or
9 trade dress that falsely associate such business, goods or services with
10 Plaintiff or tend to do so;

11 f. registering or applying to register any trademark, service mark, domain
12 name, trade name, or other source identifier or symbol of origin consisting of
13 or incorporating the mark 1517 MEDIA or any other mark that infringes or is
14 likely to be confused with Plaintiff's 1517 Mark, or any goods or services of
15 Plaintiff, or Plaintiff as their source; and

16 g. aiding, assisting, or abetting any other individual or entity in doing any
17 act prohibited by sub-paragraphs (a) through (f).

18 5. Granting such other and further relief as the Court may deem proper to
19 prevent the public and trade from deriving the false impression that any goods or
20 services manufactured, sold, distributed, licensed, marketed, advertised, promoted,
21 or otherwise offered or circulated by Defendant are in any way approved, endorsed,
22 licensed, sponsored, authorized, or franchised by, or associated, affiliated, or
23 otherwise connected with Plaintiff or constitute or are connected with Plaintiff's
24 goods and services.

25 6. Directing Defendant to immediately cease all manufacture, display,
26 distribution, marketing, advertising, promotion, sale, offer for sale, and/or use of
27 any and all packaging, labels, catalogs, containers, advertisements, signs, displays,
28 and other materials that feature or bear any designation or mark incorporating the

1 mark 1517 MEDIA or any other mark that is a counterfeit, copy, simulation,
2 confusingly similar variation, or colorable imitation of Plaintiff's 1517 Mark, and
3 to direct all distributors, retailers, wholesalers, and other individuals and
4 establishments wherever located in the United States that distribute, advertise,
5 promote, sell, or offer for sale Defendant's goods or services to cease forthwith the
6 display, distribution, marketing, advertising, promotion, sale, or offering for sale of
7 any and all goods, services, packaging, labels, catalogs, containers, advertisements,
8 signs, displays, and other materials featuring or bearing the mark 1517 MEDIA or
9 any other mark that is a counterfeit, copy, simulation, confusingly similar variation,
10 or colorable imitation of the Plaintiff's 1517 Mark, and to immediately remove
11 them from public access and view.

12 7. Directing that Defendant recall and deliver up for destruction all goods,
13 packaging, containers, advertisements, promotions, signs, displays, and related
14 materials incorporating or bearing the mark 1517 MEDIA or any other mark that is
15 a counterfeit, copy, confusingly similar variation, or colorable imitation of
16 Plaintiff's 1517 Mark.

17 8. Directing Defendant to formally abandon with prejudice any and all of its
18 applications to register the mark 1517 MEDIA or any mark consisting of,
19 incorporating, or containing Plaintiff's 1517 Mark or any counterfeit, copy,
20 confusingly similar variation, or colorable imitation thereof on any state or federal
21 trademark registry.

22 9. Directing Defendant to cancel with prejudice any and all of its registrations
23 for the mark 1517 MEDIA or any mark consisting of, incorporating, or containing
24 Plaintiff's 1517 Mark or any counterfeit, copy, confusingly similar variation, or
25 colorable imitation thereof on any state or federal trademark registry.

26 10. Directing, pursuant to Section 35(a) of the Lanham Act (15 U.S.C. §
27 1116(a)), Defendant to file with the court and serve upon Plaintiff's counsel within
28 thirty (30) days after service on Defendant of an injunction in this action, or such

1 extended period as the court may direct, a report in writing under oath, setting forth
2 in detail the manner and form in which Defendant has complied therewith.

3 11. Awarding Plaintiff an amount up to three times the amount of its actual
4 damages, in accordance with Section 35(a) of the Lanham Act (15 U.S.C. §
5 1117(a)).

6 12. Directing that Defendant account to and pay over to Plaintiff all profits
7 realized by its wrongful acts in accordance with Section 35(a) of the Lanham Act
8 (15 U.S.C. § 1117(a)), enhanced as appropriate to compensate Plaintiff for the
9 damages caused thereby.

10 Awarding an amount to be determined at trial but at least an amount equal to the
11 cost of prospective corrective advertising.

12 13. Declaring that this is an exceptional case pursuant to Section 35(a) of the
14 Lanham Act and awarding Plaintiff its costs and reasonable attorneys' fees
thereunder (15 U.S.C. § 1117(a)).

15 14. Awarding judgment against Defendant for the full costs of this action,
16 including the attorney's fees reasonably incurred by Plaintiff.

17 15. Awarding Plaintiff punitive and exemplary damages as the court finds
18 appropriate to deter any future willful infringement.

19 16. Awarding Plaintiff interest, including prejudgment and post-judgment
20 interest, on the foregoing sums.

21 17. Awarding such other and further relief as the Court deems just and proper.

22 18. That the Court retain jurisdiction of this action for purposes of enabling
23 Plaintiff, in its discretion, to apply to this Court at any time for such further orders
24 and directions as may be necessary or appropriate for the interpretation or execution
25 of any Order entered in this action, for the modification of any such Order, for the
26 enforcement of compliance with any such Order, and the punishment of any
27 violation of such Order.

28 **DEMAND FOR JURY TRIAL**

1 Plaintiff hereby requests a trial by jury on all triable issues raised by the
2 Complaint.

3 Dated: January 19, 2024

4 Respectfully submitted,

5 
6

7 Austin Padgett, Esq.
8

9 TROUTMAN PEPPER HAMILTON
10 SANDERS LLP

11 *Attorneys for Plaintiff*

12 600 Peachtree St. NE, Suite 3000

13 Atlanta, Georgia 30308

14 Telephone: 404.885.3155

15 Email: Austin.Padgett@troutman.com

1 EXHIBIT 1

2 Registration Certificates for 1517 Mark



12 Reg. No. 5,016,393

13 THEODORE WILLIAM ROSENBLADT (UNITED STATES INDIVIDUAL)
34381 CALLE PORTOLA
CAPO BEACH, CA 92624

14 Registered Aug. 09, 2016

15 CLASS 35: Retail store services in the field of gifts and merchandise, namely, novelty items,
souvenirs, mugs, key chains, novelty magnets, jewelry, pins, pens, t-shirts, caps, hats,
sweatshirts, tank tops, neck ties, luggage tags, cell phone case covers, postcards, tote bags,
candy, mints, chewing gum, greeting cards, stationery, nativity scenes, books, publications,
CD's and DVD's, watches, greeting cards and bags

16 Int. Cl: 35

FIRST USE 5-1-2011; IN COMMERCE 8-1-2013

17 Service Mark

The color(s) black and red is/are claimed as a feature of the mark.

18 Principal Register

The mark consists of the number "1517" in black followed by a red period.

SER. NO. 86-806,008, FILED 11-01-2015

DAVID JONATHAN ELTON, EXAMINING ATTORNEY



25 *Michelle K. Lee*

26 Director of the United States
27 Patent and Trademark Office

28

United States of America
United States Patent and Trademark Office

1517

Reg. No. 5,198,790

NEW REFORMATION PUBLICATIONS (CALIFORNIA non-profit corporation)
34381 CALLE PORTOLA
CAPO BEACH, CA 92624

Registered May 09, 2017

CLASS 35: Retail store services in the field of gifts and merchandise, namely, novelty items, souvenirs, mugs, key chains, novelty magnets, jewelry, pins, pens, t-shirts, caps, hats, sweatshirts, tank tops, neck ties, luggage tags, cell phone case covers, postcards, tote bags, candy, mints, chewing gum, greeting cards, stationery, nativity scenes, books, publications, CD's and DVD's, watches, greeting cards and bags

Int. Cl.: 35

Service Mark

Principal Register

FIRST USE 5-1-2011; IN COMMERCE 8-1-2013

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT STYLE, SIZE OR COLOR

SER. NO. 87-159,028, FILED 09-01-2016
DAVID JAMES GEARHART, EXAMINING ATTORNEY



Michelle K. Lee

Director of the United States
Patent and Trademark Office



1517

Reg. No. 5,299,903

NEW REFORMATION PUBLICATIONS (CALIFORNIA non-profit corporation)
244 Avenida Victoria
San Clemente, CALIFORNIA 92672

Registered Oct. 03, 2017

CLASS 9: Pre-recorded CDs featuring music; Pre-recorded DVDs in the field of religious topics; downloadable electronic publications in the nature of books in the fields of worship materials, religious topics, and music; and downloadable videos featuring religious topics via a video-on-demand service

Service Mark

FIRST USE 5-1-2011; IN COMMERCE 8-1-2013

Principal Register

CLASS 16: Printed religious publications, namely, books featuring religious topics

FIRST USE 5-1-2011; IN COMMERCE 8-1-2013

CLASS 38: Streaming of audio and visual material via a global computer network; video-on-demand transmissions

FIRST USE 5-1-2011; IN COMMERCE 8-1-2013

CLASS 41: Providing online publications in the nature of newsletters in the field of faith, spirituality and religious topics; providing non-downloadable videos featuring religious topics via a video-on-demand service

FIRST USE 5-1-2011; IN COMMERCE 8-1-2013

CLASS 45: Providing information in the fields of religious topics, faith and spirituality

FIRST USE 5-1-2011; IN COMMERCE 8-1-2013

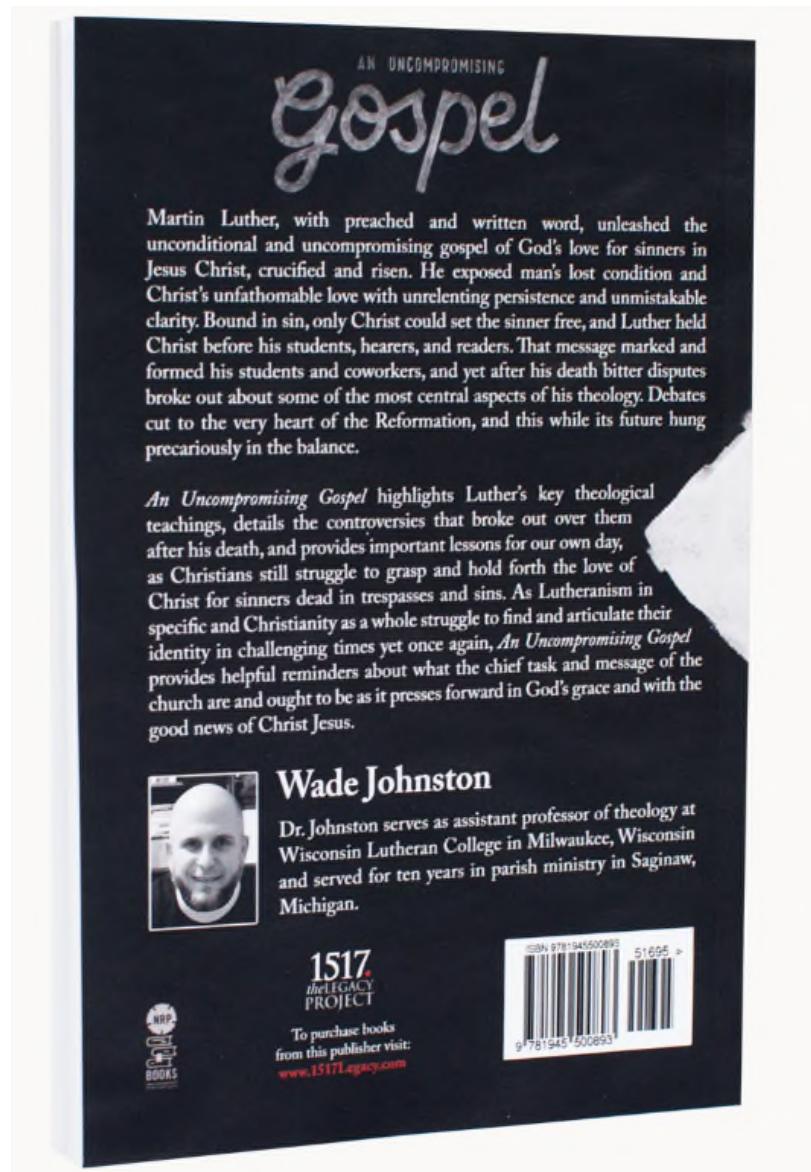


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**Performing the Functions and Duties of the
Under Secretary of Commerce for
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EXHIBIT 2

Samples of Plaintiff's Use of its Mark



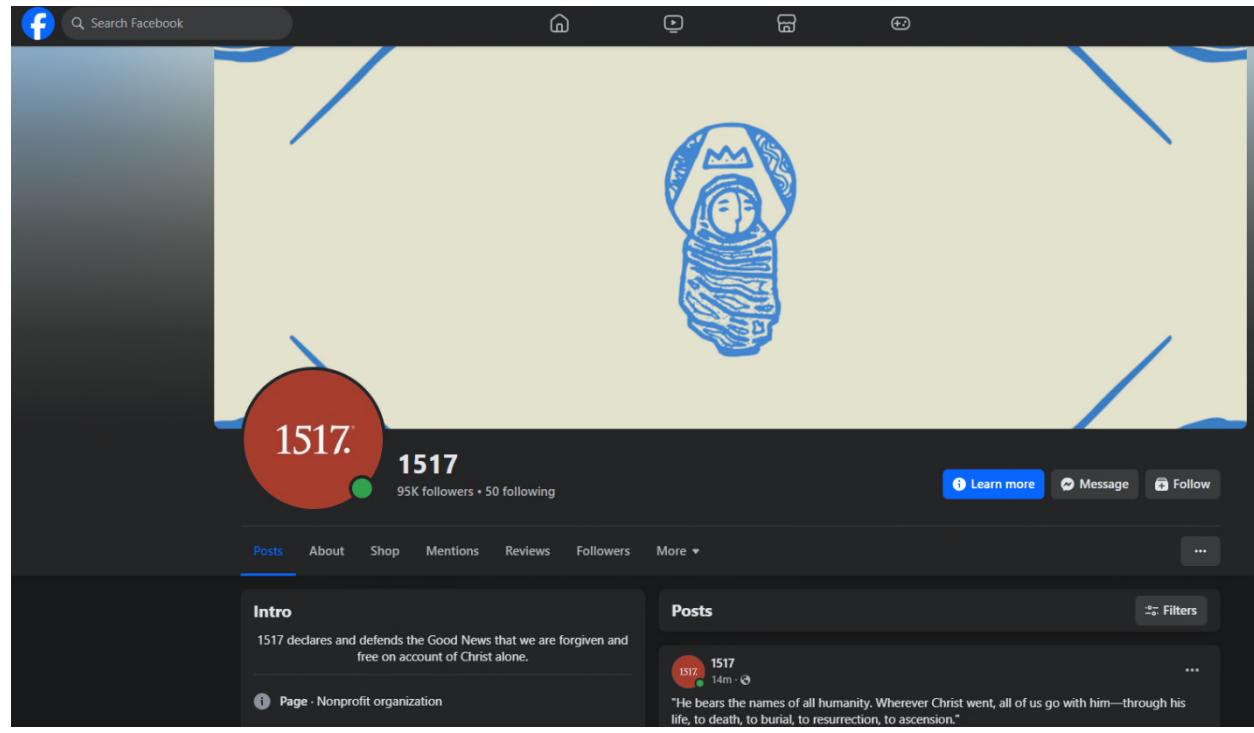
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15 <https://www.facebook.com/1517org>



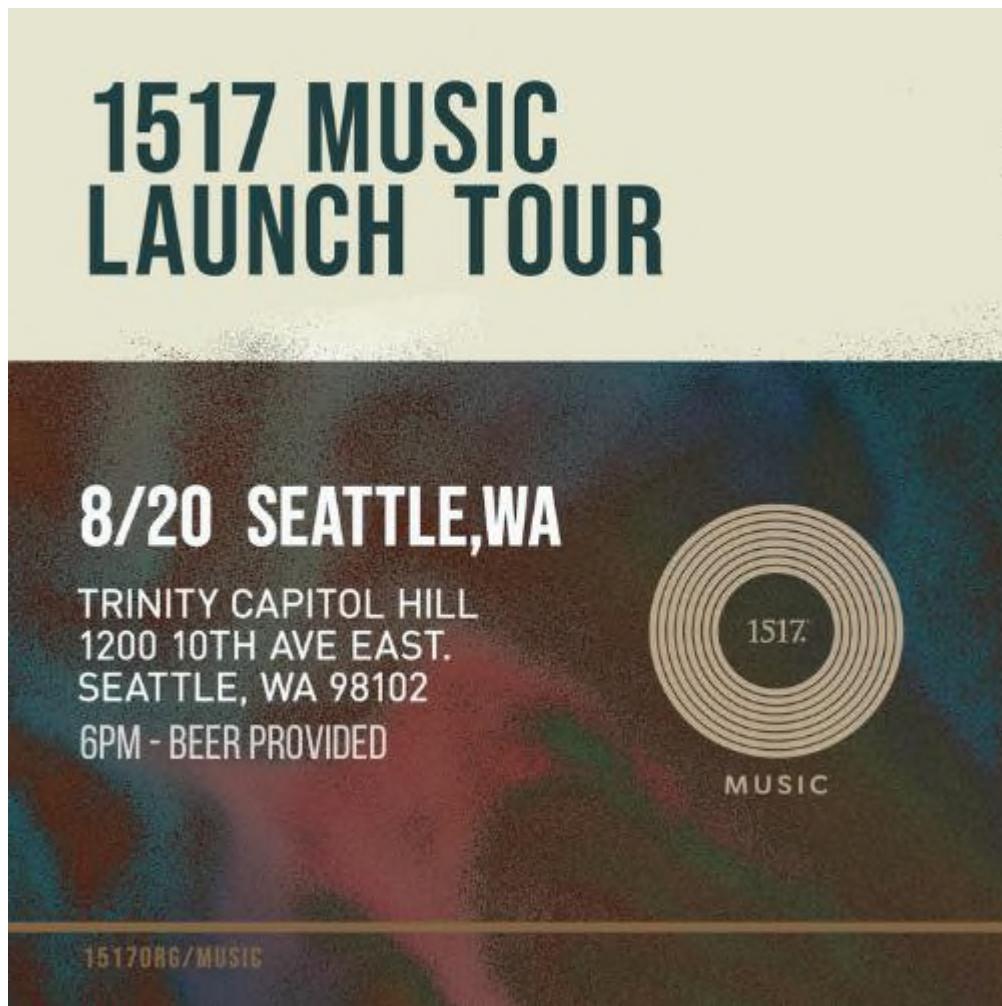


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1 <https://www.1517.org/podcasts>

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